Patent Docket P3130R1C9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of<br>Ashkenazi et al.<br>Serial No.: Not Yet Assigned | Group Art Unit: Not Yet Assigned<br>Examiner: Not Yet Assigned |
| Filed: Herewith<br>For: SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME | Express Mail Label No.: EL 889 345 917 US<br>February 1, 2001 |

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Prior to substantive examination of the above captioned patent application (which is filed herewith), and for calculation of the proper filing fee, Applicants respectfully request that the following amendments be entered.

**In the Specification:**

Please insert the following new paragraph at page 1, line 2:

--RELATED APPLICATIONS

--This is a continuation application claiming priority under 35 USC §120 to US serial number 10/002796 filed 11/15/01 which claims priority under 35 USC § 119 to US provisional application numbers: 60/056974 Filed 8/26/97; 60/059115 Filed 9/17/97; 60/059263 Filed 9/18/97; 60/059588 Filed 9/17/97; 60/062285 Filed 10/17/97; 60/062816 Filed 10/24/97; 60/063082 Filed 10/31/97; 60/063329 Filed 10/27/97; 60/063733 Filed 10/29/97; 60/066364 Filed 11/21/97; 60/066840 Filed 11/25/97; 60/069694 Filed 12/16/97; 60/074086 Filed 2/9/98; 60/074092 Filed 2/9/98; 60/079294 Filed 3/25/98; 60/081049 Filed 4/8/98; 60/095998 Filed

8/10/98; 60/097000 Filed 8/18/98; 60/099601 Filed 9/9/98; 60/099803 Filed 9/10/98; 60/099811 Filed 9/10/98; 60/099812 Filed 9/10/98; 60/100858 Filed 9/17/98; 60/101922 Filed 9/24/98; 60/106032 Filed 10/28/98; 60/109304 Filed 11/20/98; 60/125778 Filed 3/23/99; 60/139695 Filed 6/15/99; 60/145070 Filed 7/20/99; 60/145698 Filed 7/26/99; 60/149396 Filed 8/17/99; 60/169495 Filed 12/7/99; and which claims priority under 35 USC §120 to US serial numbers: 08/918874 Filed 8/26/97, now abandoned; 08/933821 Filed 9/19/97 , now U.S. Patent No. 5,972,338 Issued 10/26/99; 08/960507 Filed 10/29/97, now U.S. Patent No. 6,057,435 Issued 5/2/00; 09/114844 Filed 7/14/98; 09/136801 Filed 8/19/98; 09/136804 Filed 8/19/98, now abandoned; 09/136828 Filed 8/19/98; 09/158342 Filed 9/21/98, now abandoned; 09/180997 Filed 9/10/98, now abandoned; 09/202088 Filed 12/8/98; 09/254311 Filed 3/3/99, now abandoned; 09/254460 Filed 3/9/99, now abandoned; 09/254465 Filed 3/5/99; 09/284663 Filed 4/15/99; 09/332928 Filed 6/14/99; 09/332929 Filed 6/14/99; 09/333075 Filed 6/14/99; 09/333077 Filed 6/14/99; 09/380137 Filed 8/25/99; 09/380138 Filed 8/25/99, now abandoned; 09/380139 Filed 8/25/99; 09/403296 Filed 10/18/99, now abandoned; 09/403297 Filed 10/18/99, now abandoned; 09/423741 Filed 11/10/99, now abandoned; 09/423844 Filed 11/12/99, now abandoned; 09/522342 Filed 3/9/00; 09/548815 Filed 4/13/00; 09/664610 Filed 9/18/00, now abandoned; 09/665350 Filed 9/18/00; 09/709238 Filed 11/8/00; 09/767609 Filed 1/22/01; 09/802706 Filed 3/9/01; 09/808689 Filed 3/14/01, now abandoned; 09/866028 Filed 5/25/01; 09/870574 Filed 5/30/01; 09/872035 Filed 6/1/01; 09/886342 Filed 6/19/01; PCT/US98/14552 Filed 7/14/98; PCT/US98/18824 Filed 9/10/98, now abandoned; and which claims priority under 35 USC §120 to PCT international application numbers: PCT/US98/19093 Filed 9/14/98; PCT/US98/19330 Filed 9/16/98; PCT/US98/19437 Filed 9/17/98, now abandoned; PCT/US98/24855 Filed 11/20/98; PCT/US98/25108 Filed 12/1/98; PCT/US98/25190 Filed 11/25/98; PCT/US99/05028 Filed 3/8/99; PCT/US99/12252 Filed 6/2/99; PCT/US99/20111 Filed 9/1/99; PCT/US99/20594 Filed 9/8/99; PCT/US99/21090 Filed 9/15/99; PCT/US99/21547 Filed 9/15/99; PCT/US99/28301 Filed 12/1/99; PCT/US99/28313 Filed 11/30/99; PCT/US99/28565 Filed 12/2/99; PCT/US99/30999 Filed 12/20/99; PCT/US00/00219 Filed

1/5/00; PCT/US00/04341 Filed 2/18/00; PCT/US00/04342 Filed 2/18/00; PCT/US00/04414 Filed 2/22/00; PCT/US00/05601 Filed 3/1/00; PCT/US00/05841 Filed 3/2/00; PCT/US00/06471 Filed 3/9/00; PCT/US00/07377 Filed 3/20/00; PCT/US00/08439 Filed 3/30/00; PCT/US00/13358 Filed 5/15/00; PCT/US00/13705 Filed 5/17/00; PCT/US00/14042 Filed 5/22/00; PCT/US00/14941 Filed 5/30/00; PCT/US00/15264 Filed 6/2/00; PCT/US00/22031 Filed 8/11/00; PCT/US00/23328 Filed 8/24/00; PCT/US00/23522 Filed 8/23/00; PCT/US00/32678 Filed 12/1/00; PCT/US01/06520 Filed 2/28/01; PCT/US01/17443 Filed 5/30/01; PCT/US01/17800 Filed 6/1/01; PCT/US01/19692 Filed 6/20/01; PCT/US01/21066 Filed 6/29/01; PCT/US01/21735 Filed 7/9/01,the entire disclosures of which are hereby incorporated by reference.--

**In the Claims:**

Please cancel Claims 1-39 without prejudice or disclaimer.

Please add new Claims 40-59 as follows.

--40. (New) An isolated nucleic acid having at least 80% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number PTA-552.

41. (New) The isolated nucleic acid of Claim 40 having at least 85% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number PTA-552.

42. (New) The isolated nucleic acid of Claim 40 having at least 90% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number PTA-552.

43. (New) The isolated nucleic acid of Claim 40 having at least 95% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number PTA-552.

44. (New) The isolated nucleic acid of Claim 40 having at least 99% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID

NO:63);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number PTA-552.

45. (New) An isolated nucleic acid comprising:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number PTA-552.

46. (New) The isolated nucleic acid of Claim 45 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63).

47. (New) The isolated nucleic acid of Claim 45 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide.

48. (New) The isolated nucleic acid of Claim 45 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63).

49. (New) The isolated nucleic acid of Claim 45 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide.

50. (New) The isolated nucleic acid of Claim 45 comprising the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62).

51. (New) The isolated nucleic acid of Claim 45 comprising the full-length coding sequence of the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62).

52. (New) The isolated nucleic acid of Claim 45 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number PTA-552.

53. (New) An isolated nucleic acid that hybridizes to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 34 (SEQ ID NO:63), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 33 (SEQ ID NO:62); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number PTA-552.

54. (New) The isolated nucleic acid of Claim 53, wherein said hybridization occurs under stringent conditions.

55. (New) The isolated nucleic acid of Claim 53 which is at least 10 nucleotides in length.

56. (New) A vector comprising the nucleic acid of Claim 40.

57. (New) The vector of Claim 56, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.

58. (New) A host cell comprising the vector of Claim 56.

59. (New) The host cell of Claim 58, wherein said cell is a CHO cell, an *E. coli* or a yeast cell.--

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## REMARKS

Claims 1-39 have been cancelled. New Claims 40-59 have been added. Applicants respectfully request early entry of these new claims for prosecution in this application. The Examiner is invited to contact the undersigned at (650)225-4563 if any issues may be resolved in that manner.

Attached hereto is a marked-up version of the changes made to the and by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

Respectfully submitted,

GENENTECH, INC.

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## VERSION WITH MARKINGS TO SHOW CHANGES MADE

**In the specification:**

A new paragraph beginning at page 1, line 2 has been added.

**In the claims:**

Claims 1-39 have been cancelled.

Claims 40-59 have been added.